

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Leonard Shaner et al.** Group Art Unit: 3616

Serial No.: 10/710,314 Examiner: George D. Spisich

Filed: July 1, 2004

For: VEHICLE SIDE AIRBAG APPARATUS AND SEAT CONTAINING SAME

Attorney Docket No.: 81100061/FMC 1755 PUS

AFFIDAVIT UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The claims as amended in the accompanying reply to the 19-Aug-09 office action refer to a seated fifth percentile female side impact anthropometric test dummy. The characteristics of such a dummy are well defined in terms of dimensions associated with body parts including length, mass, joint flexibility, and compliance of body parts. Crash testing relating to such dummy has been the subject of the National Highway Transportation and Safety Board's rules under their administrative rulemaking authority, described in 49 C.F.R. 572, which can be found at: GPO Access. *Electronic Code of Federal Regulations*, Title 49 Transportation, available at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr572_main_02.tpl, last accessed on 7-Oct-09.

Crash dummies that conform to the stringent federal requirements are available for purchase. See, for example: First Technology Safety and Analysis. *SID-IIs Small Side Impact Dummy 180-0000*, available at:

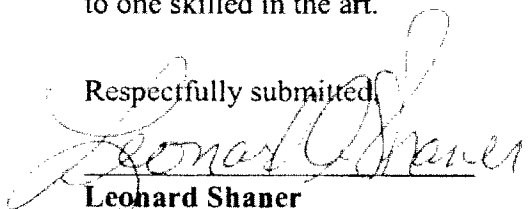
<http://www.ftss.com/pcat/products.cfm?obr=NS&bm=2&pcat=sid2s>, last accessed on 7-Oct-09.

Additionally, specifications for the fifth percentile female test dummy, SID-IIs First Technology Safety and Analysis. *Hybrid III 5th Female Instrumentation*, available at:

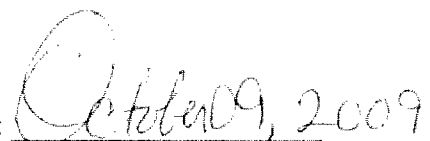
<http://www.ftss.com/pcat/products.cfm?obr=NS&bm=1&pcat=h3-5f-2&class=1&x=500&y=1895>, last accessed on 7-Oct-09.

I submit that a fifth percentile female side impact anthropometric test dummy is not indefinite to one skilled in the art.

Respectfully submitted,


Leonard Shaner

Date:


October 09, 2009